



THE BOROUGH OF ROSELLE PARK

N E W J E R S E Y

110 EAST WESTFIELD AVENUE, ROSELLE PARK, NJ 07204

WWW.ROSELLEPARK.NET

APPLICATION FOR USE OF PARKS & RECREATIONAL AREAS (PER SECTION 10-1 & 10-2 OF BOROUGH CODE)

A use prioritization has been established for certain groups pursuant to Borough Resolution No. 150-20 adopted by the Governing Body of the Borough. Such prioritization of usage shall be established as follows: First, for all activities and initiatives of or by the Borough; and, next, for all activities not inclusive of retail sale operations, of or by established Roselle Park fitness, dance, art-based, and music-based businesses, not inclusive of sole-proprietor "from home" business operations; and, next, for all other events or activities requested by individuals or groups.

A. APPLICANT INFORMATION

Name of Applicant: _____
(Individual Name, Non-Profit Group Name, or For Profit Group Name)

Address of Applicant: _____

Point of Contact / Responsible Party: _____

Telephone Number: _____ E-Mail: _____

B. DESCRIPTION OF USE

Requested Date: _____ Requested Hours: _____

Choose (circle) a park or recreational facility for which a permit is desired. If only a portion of the desired park is being requested please circle the park or recreational facility for which a permit is desired *and* provide detail in the "Other" portion of this section:

Aldene Park Michael J. Mauri Park Msgr. Joseph F. Loreti Park

Edgar "Hot Dog" Acker Park Girl Scout Park Boy Scout Park

LaMonico Perry Park

Other: _____

C. INSURANCE & INDEMNIFICATION REQUIREMENTS

Applicants shall be required to submit a certificate of liability insurance for the desired use and shall likewise be required to complete and execute the Hold Harmless (indemnification) Agreement as provided in form on the following pages. Proof of insurance shall name the “Borough of Roselle Park” as an additional insured, with minimum limits of liability of not less than the following:

APPLICANT TYPE 1

FOR NON- PROFIT ENTITIES (UNAFFILIATED INDIVIDUALS)

Definition: An individual who is holding a function at a municipal facility and such function is not sponsored for the benefit of an organization including governmental units, non-profit entities or for profit entities (Example: Birthday Celebration).

Requirements: Three-Hundred Thousand dollars (\$300,000.00) liability coverage.

APPLICANT TYPE 2

FOR NON-PROFIT ENTITIES (UNAFFILIATED ORGANIZATIONS)

Definition: Entities which are not subject to the Public Contracts Law and have not been included in the town's insurance program pursuant to the quasi-municipal procedure (Example: American Legion).

Requirements: One million dollars (\$1,000,000.00) liability coverage.

APPLICANT TYPE 3

FOR PROFIT ENTITIES

Definition: Any organization other than a governmental entity or a non-profit as defined above (Example: Retail Businesses).

Requirements: One million dollars (\$1,000,000.00) liability coverage.

PLEASE NOTE: Generally, the sale and/or consumption of alcoholic beverages in public areas of the municipality is prohibited pursuant to Section 3-1.1 of the Borough Code. Consumption of alcoholic beverages at occasions or events held by bona fide nonprofit organizations is permitted on a case-by-case basis by Resolution of the Mayor and Council and the State of New Jersey Division of Alcoholic Beverage Control. Applicants seeking such approvals should be explicit in their request to the Borough.

HOLD HARMLESS AGREEMENT

1. "I/we" and "Me/my" shall mean: _____
(Name of Individual or Entity)
2. "You/Your" shall mean the municipal corporation known as the "Borough of Roselle Park;" Its agents, servants, employees, or contractors.
3. GENERAL INFORMATION

Date: _____

Site: _____

(Name and Address of Business)

Hours: _____

For: _____

4. I sign this Hold - Harmless as my voluntary act and by this act agree to hold you harmless and indemnify you from any claims, suits, or other actions arising from, caused by, or which are the alleged result of any act or omission of any organization, corporation, guest, invitee, licensee, visitor or other person present on the premises listed above in order to participate in, organize, assist, enjoy, supervise or in any other way further the activity to be held (as described above) on the dates listed above.
5. I state that the activity listed above will not include the consumption of alcoholic beverages but should any person described in paragraph 4 consume alcohol or allow or permit others to consume alcohol then I agree to be bound by the terms of paragraph 6 below.
6. I state that the activity listed above will include the consumption of alcoholic beverages and that because of such consumption I have the following additional duties to You related to the use of the site listed above:
 - a) that I am solely responsible for the dispensing and consumption of alcohol, including the prudent and responsible dispensing and consumption of alcohol by all persons involved in the activity described above, including but not limited to those persons described in paragraph 4 above;
 - b) to acknowledge by the signing of this Hold-Harmless that You have no authority, control, or participation in the dispensation or consumption of alcohol on the site and date listed above and that I Will take no step, action, or measure to convey the idea that You in any way have promoted, assisted, or participated in the dispensing and consumption of alcoholic beverages on the site and date listed above;
 - c) that I will not allow persons under the age of 21 to dispense or consume alcohol at the site during the activity to be held on Your property;
 - d) to comply with all municipal Ordinances relating to the consumption of alcoholic beverages, including but not limited to obtaining any necessary permits.
7. (Applicable to Corporations Only): I also agree that I am obligated to reimburse You for all reasonable attorney's fees incurred by You to enforce the terms of this Hold-Harmless or to defend


Yourself against any claim, suit, demand for subrogation, or other action which a court of competent jurisdiction later determines by final order or judgment should have been defended by Me at My sole cost and expense pursuant to this Hold-Harmless.

8. LEGAL SIGNATURES

X. _____ on behalf of _____
Signature of Responsible Party Name of Entity

Printed Name of Responsible Party

Title of Responsible Party

X.  on behalf of the Borough of Roselle Park.
Signature on Behalf of Municipality

Andrew J. Casais, RMC, OPA
Print Name of Above Signature

Joint Insurance Fund Commissioner
Title of Individual (if applicable)

END OF HOLD HARMLESS AGREEMENT

D. APPLICANT CERTIFICATION

I, _____, the applicant and/or the duly authorized responsible party to for applicant, certify and affirm that I have reviewed and understand the provisions of Sections 10-1 and 10-2 of the Municipal Code of the Borough of Roselle Park and, by affixing my signature to this form, do hereby agree to comply and bind myself to its provisions.

Signature

Date

Print Name

***** USE BY BOROUGH CLERK'S OFFICE ONLY ***
APPLICATION CHECKLIST**

___ All sections of the application reviewed for completeness.

___ Proof of insurance coverage provided as required.

___ Referred to Police Chief on ____ / ____ / ____ for public safety review and special condition recommendations.

Diagram returned from Police Chief on ____ / ____ / ____ recommending:

- ___ APPROVAL
- ___ DISAPPROVAL
- ___ SPECIAL CONDITIONS

In consideration of the application and the above recommendations of the Roselle Park Police Department the forgoing application is:

___ APPROVED

___ DENIED

Signature

Date

Print Name

Title

§ 10-1. REGULATIONS FOR USE OF PARKS AND RECREATION AREAS.

§ 10-1.1. Hours. [1980 Code § 157-2]

Except as provided herein, it shall be unlawful for any person to be in or upon any of the public parks and playgrounds administered by the Borough of Roselle Park after dusk and before dawn unless prior written approval is obtained from the Borough Clerk.

§ 10-1.2. Regulations for Use. [1980 Code § 157-4]

- a. Each person using the public parks and playgrounds shall:
 1. Clean up all debris, extinguish all fires, when such fires are permitted, and leave the premises in good order and the facilities in a neat and sanitary condition.
 2. Comply with all applicable provisions of the State Motor Vehicle Traffic Laws in regard to equipment and operation of vehicles, together with such regulations as are contained in this chapter and other ordinances.
 3. Obtain the written permission of the Borough Clerk before bringing any buses or charter groups into the park premises.
- b. Prohibited Acts. It shall be unlawful for any person using these parks and playgrounds to either perform or permit to be performed any of the following acts:
 1. Protection of Property. No one shall:
 - (a) Willfully mark, deface, injure, disfigure, tamper with, displace or remove any building, bridges, tables, benches, fireplaces, railings, paving or paving material; waterlines or other public utilities or parts or appurtenances thereof; signs, notices or placards, whether temporary or permanent; monuments, stakes, posts or other boundary markers; or other structures or equipment, facilities or park or playground property or appurtenances whatsoever, either real or personal.
 - (b) Throw, discharge or place or cause to be placed in the waters of any fountain, stream or body of water in or adjacent to any park or any tributary, stream, storm sewer or drain flowing into such waters any substance, matter or thing, liquid or solid, which will or may result in the pollution of these waters.

- (c) Bring in or dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, refuse or other trash. No such refuse or trash shall be placed in any waters in or contiguous to any park or playground or be left anywhere on the grounds thereof, but shall be placed in the proper receptacles where these are provided. Where receptacles are not so provided, all such rubbish or waste shall be carried away from the park or playground by the person responsible for its presence and properly disposed of elsewhere.
 - (d) Damage, cut, carve, transplant or remove any tree or plant or injure the bark or pick the flowers or seeds of any tree or plant; nor shall anyone attach any rope, wire or other contrivance to any tree or plant. A person shall not dig or otherwise disturb grass areas or in any other way injure or impair the natural beauty and usefulness of any area.
2. Domestic Animals Prohibited. No animals shall be permitted on premises.
 3. Protection of Wild Animals. No one shall hunt, molest, harm, frighten, kill, trap, chase, tease, shoot or throw stones or any missiles at or give or offer any poisonous foods to any animal, reptile, bird or the eggs of same, except that the foregoing shall not prohibit the killing of any deadly animal.
 4. General Conduct. No one shall:
 - (a) Bring in or upon, have brought in or upon or cause to be brought in or upon the park, or the grounds thereof, any alcoholic beverage or illegal drug, or sell, purchase, consume or drink any alcoholic beverage or illegal drug at any time in the park. Any person entering the park or found within the park to be under the influence of alcoholic liquor or illegal drugs shall be immediately removed.
 - (b) Bring in or cause to be brought in or have in his or her possession or set off or otherwise cause to be exploded, discharged or burned any firecracker, torpedo, rocket or other fireworks or explosive or flammable material, or discharge or throw them into any area of the park or upon the land adjacent thereto. Notwithstanding the foregoing, the park grounds or facilities may be used for a scheduled fireworks program under the permit.

- (c) Build or attempt to build a fire except in a fireplace designated and constructed for such purpose and under such regulations as may be adopted by the Governing Body. No person shall drop, throw or otherwise scatter lighted matches, burning cigars, or cigarettes, tobacco or any other flammable material within the park.
- (d) Enter upon ice, except when ice has been approved for skating purposes, provided that a safety signal is displayed on the ice or on an adjacent area.
- (e) Engage in any disorderly conduct or a behavior tending to cause a breach of the public peace. No person shall disturb or otherwise interfere with any other person or group of persons occupying any area or engaging in any organized activity.
- (f) Sell or offer for sale any object or merchandise or any other thing within the parks or playgrounds or place any other equipment or apparatus within the parks or playgrounds, except by permit or as may be permitted by the rules and regulations in accordance with the requirements set forth in this Code.
- (g) Remove or open permanent or temporary barriers, signs, directionals, gates or fences.
- (h) Endanger the safety of any person by any conduct or act.
- (i) Prevent any person from using any park or playground or any of its facilities or interfere with such use in compliance with this section and the rules applicable to such use.
- (j) Fail to obey or interfere with any Police Officer, Borough Official or employee in the proper performance of his duties.
- (k) Leave any motor vehicle overnight.
- (l) Ride bicycles or other vehicles without regard to the safety of others.
- (m) Gamble.
- (n) Sleep on park benches.
- (o) Camp, except with the written permission of the Borough Clerk.

- (p) Solicit alms or contributions, except with the written permission of the Borough Clerk.
- (q) Carry firearms or other weapons.
- (r) Bring any concession trucks or otherwise sell any food or beverages in park areas or five hundred (500) feet from park entrances without the prior written permission of the Borough Clerk.
- (s) Attempt to use any playing field or other area which has been reserved for use by some other person, firm, corporation or group.
- (t) Attempt to gain entry to a special event without paying the required admission fee.

§ 10-1.3. Enforcement. [1980 Code § 157-5]

- a. The Borough Clerk shall, in connection with her duties, enforce the provisions of this section and, in furtherance of those duties, may designate such enforcement to the Recreation Committee or such other persons employed or appointed by the Borough.
- b. The Police Department or those persons designated by the Borough Council, including members of the New Jersey State Police, shall have the authority to eject from the parks and playgrounds area any person or persons acting in violation of this section.
- c. The Police Department shall have the authority to seize, confiscate, hold and/or retain, subject to the constraints of due process of law, any property, thing or device used in violation of this section in any public park and/or playground.
- d. The Recreation Committee shall have the authority to adopt rules and regulations, which shall become effective after approval by the Governing Body.

§ 10-1.4. Violations and Penalties. [1980 Code § 157-6; New]

Any person found to be in violation of the provisions of this section shall, upon conviction, be liable to the penalty stated in Chapter 1, § 1-5.

§ 10-2. PERMITS FOR SPECIAL EVENTS. [1980 Code § 157-3]

Permits for special events in parks or to use the park beyond the normal hours shall be obtained by application to the Borough Clerk in accordance with the following procedures:

- a. A person seeking issuance of a Special Events Permit shall file an application with the Borough Clerk or her designee disclosing the following:
 1. The name and address of the applicant.
 2. The name and address of the person, persons, corporation or association sponsoring the activity, if any.
 3. The day and hours for which the permit is desired.
 4. The park, or portion thereof, for which such permit is desired.
 5. Any other information which the Governing Body shall find reasonably necessary to a fair determination as to whether a permit should be issued hereunder.
- b. Standards for issuance of a use permit by the Borough Clerk shall include the following findings:
 1. That the proposed activity or use of the park will not unreasonably interfere with or detract from the general public enjoyment of the park.
 2. That the proposed activity and use will not unreasonably interfere with or detract from the promotion of the public health, welfare, safety and recreation.
 3. That the proposed activity or use that is reasonably anticipated will not include violence, crime or disorderly conduct.
 4. That the proposed activity or use will not entail extraordinary or burdensome expense to the Borough.
 5. That the facilities desired have not been reserved for other use at the date and hour requested in the application.
- c. The Borough Clerk shall not unduly withhold issuance of any permit unless she finds and determines that the proposed activity or activities for which a permit is sought would probably result in, at the time proposed for scheduling, the depriving of adjacent property owners of the quiet use and enjoyment of their premises or could not be conducted without jeopardizing the public health,

safety and welfare of those for whom the permit is sought or other citizens of the Borough, or adjacent thereto, or would result in a public nuisance or disturbance.

- d. In the event of a denial of a request for a permit, the Borough Clerk shall apprise the applicant, in writing, of her reasons for refusing a permit, and any aggrieved person shall have the right to appeal, in writing to the Mayor and Council within ten (10) days from the receipt of such denial. The Borough, in reviewing any such appeal, may make an independent determination of the facts but shall at all times apply those legal standards set forth in Subsection b hereof in the rendering of such determinations.
- e. In the event that the denial of a request for a permit results in a hearing date beyond that requested in the application for a permit, the applicant shall be permitted to amend his application on appeal to request another date beyond the hearing set by the Governing Body.
- f. The permit holder shall be bound by all park and playground rules and regulations and all applicable ordinances as fully as though the same were inserted in the permits.
- g. The Borough Clerk shall have the authority to revoke a permit upon finding a violation of any rule or ordinance or upon good cause shown.

RESOLUTION NO. 150-20

BY: COUNCILMEMBER Petrosky

WHEREAS, the Mayor and Council (hereinafter, the “Governing Body”) of the Borough of Roselle Park (hereinafter, the “Borough”) recognize that the COVID-19 pandemic and associated public health emergency has had a detrimental impact on local economies; and,

WHEREAS, as a matter of public health and public policy, the State of New Jersey and other governmental jurisdictions have placed restrictions on business operations which disproportionately impact small businesses; and,

WHEREAS, such restrictions include the partial or full closure of small business operations; and,

WHEREAS, the Governing Body wishes to establish a prioritization for usage of Borough parks and playgrounds to accommodate outdoor, open-air business operations for Roselle Park fitness, dance, art-based, and music-based businesses, when possible, during this difficult time; and,

WHEREAS, the Governing Body finds that establishing this preferential status for use of certain Borough facilities could be beneficial to a segment of the Borough’s small business community.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey that it does hereby establish priority usage of Borough parks and playgrounds by established Roselle Park fitness, dance, art-based, and music-based businesses; and,

BE IT FURTHER RESOLVED that prioritization of usage shall be established as follows:

1. First, for all activities and initiatives of or by the Borough; and,
2. Next, for all activities not inclusive of retail sale operations, of or by established Roselle Park fitness, dance, art-based, and music-based businesses, not inclusive of sole-proprietor “from home” business operations; and,
3. Next, for all other events or activities requested by individuals or groups.

BE IT FURTHER RESOLVED that application shall be made for facility usage on forms prescribed by the Borough Clerk in coordination with the Chief of Police so as to gather applicant information the and such other information necessary to determine the purpose and scope of the proposed activity; and,

BE IT FURTHER RESOLVED that nothing within the forgoing Resolution shall: (1) waive the routine insurance and indemnification requirements as recommended and implemented by the Borough’s insurance carrier(s); or (2) waive or act to supersede the laws of the State of New Jersey, the executive actions of the Governor of the State of New Jersey, or the laws and regulations of any level of government which has jurisdiction over the Borough; and,

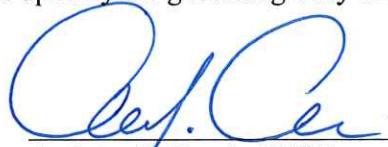
BE IT FURTHER RESOLVED that the foregoing Resolution and provisions therein shall be put into effect immediately and shall remain in effect until December 31, 2020, or upon the conclusion of the

D. McCaffery
6/14/20

Public Health Emergency declared on March 9, 2020 by Governor Philip D. Murphy via Executive Order No. 103, whichever is sooner, or until revised or repealed by a future Resolution of the Governing Body.

ADOPTED: June 4, 2020

I hereby certify that the foregoing Resolution was acted upon by the governing body on June 4, 2020 with the below captioned results on a motion to adopt.



Andrew J. Casais, RMC
Borough Clerk

COUNCIL	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
SIGNORELLO						
PETROSKY	✓		✓			
FAHOURY			✓			
CONNELLY		✓	✓			
NEGRON						✓
DEIORIO			✓			
MATHIEU			✓			
ON CONSENT AGENDA			YES		✓	NO